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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,300

09/26/2006

Konstantinos Poulakis

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01/05/2009

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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SUITE 600

WASHINGTON,, DC 20036

EXAMINER

SANDY, ROBERT JOHN

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,300	Applicant(s) POULAKIS, KONSTANTINOS	
	Examiner Robert J. Sandy	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter of “a cement layer” (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to support the claimed subject matter of “a cement layer” (claim 9).

The abstract of the disclosure is objected to for containing legal phraseology. For example, the phrase/terms of “invention”, “comprising”, and “said” are improper language for an abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed subject matter pertaining to “to improve the adhesion of the mold foam to the individual rods (38) they have at least partially a coating” where the coating is not described in the specification. Therefore, without an enabling written description identifying the “coating”, one of ordinary skill in the art would not know how to make the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as to the following:

In claim 1, line 3, there is no antecedent basis for "the assignable longitudinal edge".

In claim 1, line 4, there is no antecedent basis for "the respective free side edge area">

In claim 1, line 6, there is no antecedent basis for "the edge end".

In claim 1, line 10, recitation of “free of additional projections” renders the claims indefinite for apparently being a negative limitation.

In claim 2, line 2, there is no antecedent basis for "the head side".

In claim 2, line 3, there is no antecedent basis for "the foot side".

In claim 2, bridging lines 4 and 5, recitation of “a connecting means” is a double inclusion of the previously claimed “connecting means” established in claim 1.

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In claim 6, line 3, the term "its" is indefinite for not being definitive of any particular claimed structure.

In claim 9, line 2, the term "it" is indefinite for not being definitive of any particular claimed structure.

In claim 10, line 2, the term "they" is indefinite for not being definitive of any particular claimed structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, and 6-9, so far as definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO document WO 02/13648 A1 in view of Kenney et al. (U. S. Patent No. 5,725,928). The WIPO document WO 02/13648 A1 discloses a hook and loop connector piece (10, Figs. 1 & 2) comprising a support strip with hooking elements (12) located on one side thereof and with at least one cover strip (20) which forms at least one free side edge area (21) which extends beyond an assignable longitudinal edge (33) of the support strip (10), and a respective free side edge area (21) of the respective cover strip (20) in the direction to the support strip (10) can be folded over itself along one fold line (29) which runs in the longitudinal direction such that the end edge (31) of the respective free side edge area (21) of the cover strip (20) is facing the assignable longitudinal edge (33) of the support strip (10), on a side of the hook and loop connector piece facing away from the hooking elements (12) there being a connecting means (top surface of cover strip 20) for a mold foam;

(concerning claim 6) the respective free edge area (21) is part of a cover strip (20) which is wider than the support strip (10) and which extends along its back;

(concerning claim 7) the cover strip (20) is located between the connecting means (36) and the support strip (10);

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(concerning claim 8) part of the respective free side edge area (21) which can be folded over has a height which is greater than the height of the hooking elements (12); and

(concerning claim 9) the connector piece has ferromagnetic properties and a metal wire (16) which is embedded as a stiffening profile into a cement layer holding the support strip (10) and cover strip (20) against one another.

However, the WIPO document WO 02/13648 A1 does not explicitly disclose that the connecting means is formed from a plurality of individual projecting rods which free of additional projections.

Kenney et al. ('928) an analogous connector piece (300, Figs. 3-6) having connecting means (334) is formed from a plurality of individual projecting rods (e.g., the stems of the hook elements 334) which free of additional projections effect adherence of the mold foam.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a plurality of individual projecting rods which free of additional projections to effect adherence of the connector piece to the mold foam, as taught and shown by Kenney et al. ('928) in Fig. 6.

Allowable Subject Matter

Claims 2-5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

An indication of patentability for claims 10 and 11 cannot be stated in view of the rejection under 35 U.S.C. 112, first paragraph, set forth in this Office action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vic Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J. Sandy/
Primary Examiner, Art Unit 3677